IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3234 of 2005

Between:

Wepuri Pandarinath Prasad S/o.W.Venkat Ram,
R/o.H.No.2-3-7/19, Golnaka, Amberpet, Hyderabad.

..... PETITIONER

AND

The Regional Passport office, Near Clock Tower Secunderabad,

Rep. by 1st Passport Officer.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondent in not receiving the application, and not correcting the date of birth of the petitioner in the Passport bearing No.B-1599327 as 1.7.1954 in the place of 1.7.1964 as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondent to receive my application and consider the same for issuing fresh passport duly correcting the date of birth of the petitioner as 1.7.1954 and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: NAKARIKANTI.PRABHAKAR

Counsel for the Respondent: MR. G.VIJAYA BABU (ADDL. SC FOR CENTRAL GOVERNMENT)

The Court made the following :

ORDER:

Heard both sides.

This writ petition is filed seeking a declaration that the action of the respondent in not receiving the application, and not correcting the date of birth of the petitioner as 01-07-1954 in the place of 01-07-1964 in the passport bearing No.B-1599327 as arbitrary and illegal.

The petitioner states that he obtained passport on 24-02-2000 in which his date of birth was wrongly mentioned as 01-07-1964 instead of 01-07-1954. He further states that his correct date of birth, according to the certificate issued by the Mandal Revenue Officer, Amberpet Mandal, is 01-07-1954 and therefore, he approached the respondent seeking correction of date of birth in the passport. However, the respondent refused to take any action. Hence, this writ petition.

As held by this Court in a judgment in ***"Mohammad Dilawar Shariff v. Union of India, represented by its Secretary, Ministry of External Affairs, New Delhi and another"*** correction of Date of Birth in the passport once issued is not permissible. However, it is to be noted that subsequently, the Government of India, Ministry of External Affairs has issued a circular dated 18-04-2001, under which it is now permissible for the Regional Passport Officer to affect the corrections under certain circumstances specified under the circular.

In the circumstances, the writ petition is disposed of with a direction to the respondent to receive the application made by the petitioner and to consider the same on the basis of the material furnished by the petitioner to substantiate the correct Date of Birth and to pass appropriate orders in terms of the circular dated 18-04-2001, within a period of four weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

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23-02-2005

vs

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To

1 The Regional Passport office, Near Clock Tower Secunderabad,

Rep. by 1st Passport Officer.

2 2 CD copies

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 3234 of 2005

Dated: 23-02-2005

vs